

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

KENNETH COLE and)	CONFIDENTIAL
BRIGITTE L. BROWN,)	
)	
Plaintiffs,)	
)	C.A. No. 05-270 (KAJ)
v.)	(Consolidated)
)	
DELAWARE TECHNICAL AND)	
COMMUNITY COLLEGE,)	
)	
Defendant.)	

Deposition of SUSAN ELIZABETH ZAWISLAK,
taken pursuant to notice at the offices of Margolis
Edelstein, 1509 Gilpin Avenue, Wilmington, Delaware,
beginning at 3:00 p.m. on Friday, January 27, 2006,
before Ann M. Calligan, Registered Merit Reporter and
Notary Public.

APPEARANCES:

LORI A. BREWINGTON, Esquire
MARGOLIS EDELSTEIN
1509 Gilpin Avenue
Wilmington, Delaware 19806
on behalf of the Plaintiffs,

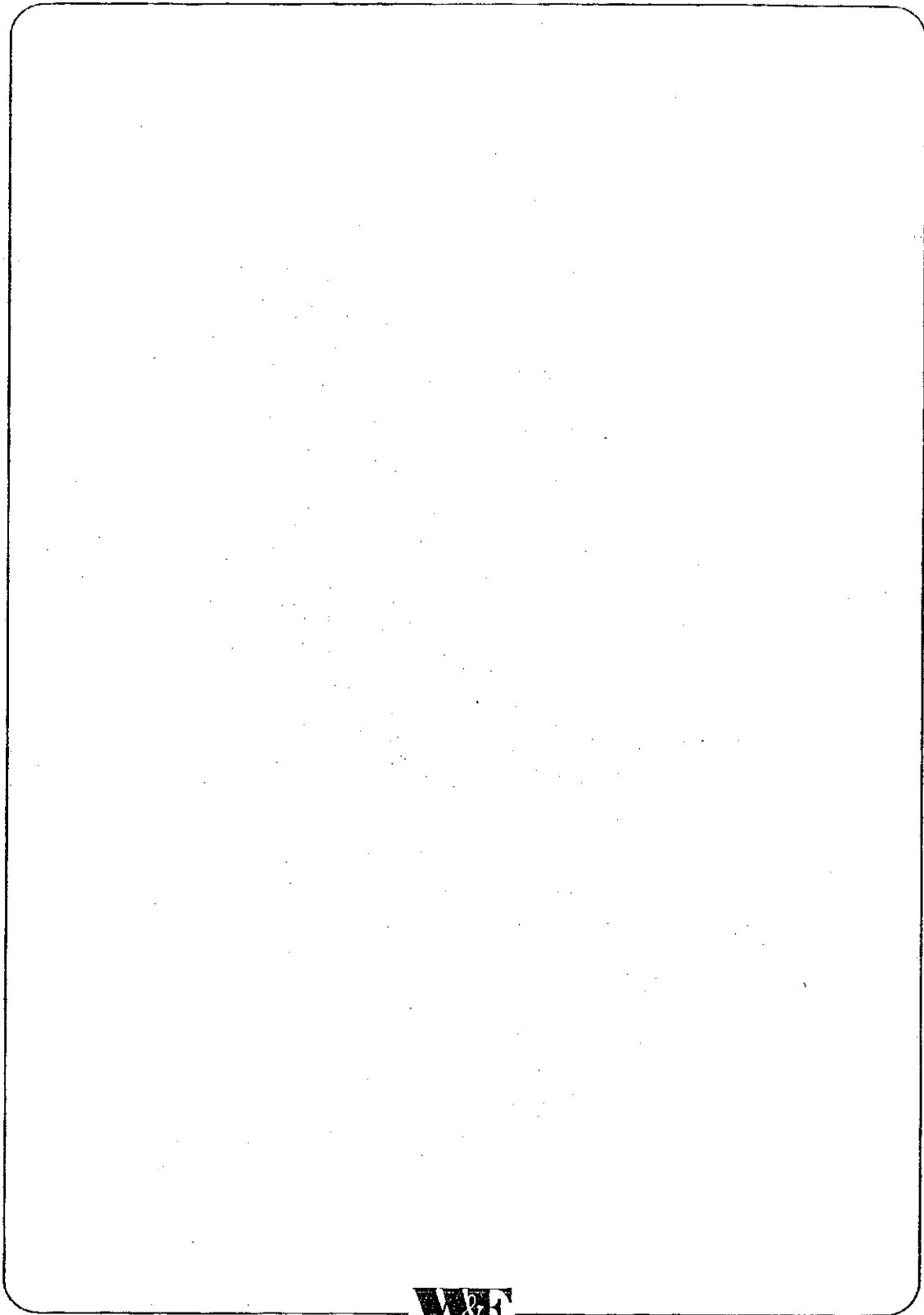
JAMES H. McMACKIN, III, Esquire
Morris JAMES HITCHENS & WILLIAMS, LLP
222 Delaware Avenue
P.O. Box 2306
Wilmington, Delaware 19899-2306
on behalf of the Defendant.

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1 ALSO PRESENT:

2 KATHERINE GEPPERT, Paralegal

3 KENNETH COLE

4 BRIGITTE Brown (By telephone)

5 -----

6 MR. McMACKIN: Just wanted to say that, as
7 counsel for Delaware Technical and Community College,
8 our deponent is going to want to read and sign the
9 transcript as well at the conclusion of this
10 deposition, and also that, at no point during this or
11 any other depositions, does the college or any of its
12 representatives intend in any way to waive the right
13 to include any of the testimony or questions as
14 content that's representative of the material that's
15 covered by the confidentiality stipulation entered
16 into by the parties on or about January 16, 2006.

17 Thank you.

18 SUSAN ELIZABETH ZAWISLAK,
19 the witness herein, having first been
20 duly sworn on oath, was examined and
21 testified as follows:

22 EXAMINATION

23 BY MS. BREWINGTON:

24 Q. Good afternoon, Doctor. I have the privilege



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1 of taking your deposition today. I'm going to ask you
2 a series of questions, hopefully one at a time. If,
3 for some reason, you do not understand the question,
4 just let me know and I'll go ahead and repeat it or
5 try to explain it for you. If you do answer the
6 question, I'll assume that you understand.

7 We do have a court reporter here, and she
8 will be recording our statements today. Please make
9 sure that your statements are audible. For example,
10 yes and no, and not mm-hmms and uh-huhs because that
11 doesn't show up too well on the record.

12 If at any time you need to take a break,
13 just let me know and we'll go ahead and take a break.
14 The only thing that I ask is that you don't discuss
15 your testimony with your counsel.

16 MR. McMACKIN: Just to state on the record
17 that if she does discuss it, the content of that
18 discussion would not be privileged, but we can discuss
19 it.

20 BY MS. BREWINGTON:

21 Q. Please begin by stating your name and your
22 title.

23 A. Susan Elizabeth Zawislak, Director of Corporate
24 and Community Programs at Delaware Technical and



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1 Community College, Stanton/Wilmington campus.

2 Q. When you say Stanton and Wilmington campus,
3 does that mean that you are director of both of those
4 campuses?

5 A. They are two campus locations.

6 Q. Is there a director of the Owens campus
7 location? Is Owens like a separate location?

8 A. Yes, it is a separate location.

9 Q. Is there a director of corporate and community
10 programs at that location?

11 A. Yes, there is.

12 Q. How long have you been director?

13 A. Since July of 1998.

14 Q. And what is your educational background
15 beginning with college?

16 A. My undergraduate degree is from West Chester
17 State University. My master's degree is from West
18 Chester University, and my doctorate in educational
19 leadership is from the University of Delaware.

20 Q. And as director of corporate and community
21 programs, what are some of your general
22 responsibilities?

23 A. I have oversight for the non-credit offerings
24 at the Stanton and Wilmington campus as well as



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1 contract training opportunities that occur off campus.
2 It encompasses areas as diverse as industrial
3 training, work force training, technology
4 applications, community and school projects,
5 continuing education, GED and basic education
6 programs. It's a broad scope.

7 Q. And does the TRIO program fall under that broad
8 scope?

9 A. It falls under the community and school
10 projects.

11 Q. And you're the director of corporate and
12 community programs, correct?

13 A. Yes.

14 (Discussion off the record.)

15 Q. Who reports directly to you?

16 A. I have an assistant director of corporate and
17 community programs.

18 Q. And what's her name?

19 A. Jacquita Wright Henderson.

20 Q. I'd like to begin today by asking you about an
21 exhibit. I have exhibit 1.

22 MS. BREWINGTON: I'd like to mark this as
23 Zawislak 1.

24 (Zawislak Deposition Exhibit 1 was marked



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1 for identification.)

2 BY MS. BREWINGTON:

3 Q. In your position as director of CCP, do you
4 regularly send out a newsletter?

5 A. A newsletter had been sent during that time
6 frame.

7 Q. My question, though, was, do you regularly send
8 out a newsletter as director of CCP?

9 A. Not at the present time.

10 Q. At this time, which when I say this time, I'm
11 indicating August 2002 at the top of this, was there a
12 newsletter that was generated on a regular basis?

13 A. Yes.

14 Q. How often was that newsletter generated?

15 A. I don't recall.

16 Q. So can you give me an approximation of how
17 often monthly, weekly, quarterly?

18 A. No, I can't.

19 Q. This document here, this is an update, is it
20 not?

21 A. The document is called an update.

22 Q. The document is called an update. Okay.

23 Are you responsible for sending out this
24 exact update? Did you send out this update?



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1 A. It was forwarded from my e-mail address.

2 Q. Did you draft it?

3 A. I had -- different folks would send information
4 to me, and yes, I'm responsible for the draft and
5 review.

6 Q. So you're responsible but you didn't
7 necessarily draft it?

8 A. Input was provided from individuals related to
9 the different areas.

10 Q. Now, I'm specifically looking at the second
11 paragraph.

12 A. I wrote that.

13 Q. Under people, you wrote that.

14 For the record, it says, "Paul Morris has
15 been promoted to special programs director."

16 You indicated that certain people provide
17 information to you for this newsletter, is that
18 correct?

19 A. That is correct.

20 Q. Did someone provide the information that Paul
21 Morris had been promoted to special programs director
22 to you?

23 A. No.

24 Q. Can you tell me why you sent out a newsletter



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1 indicating that Paul Morris had been promoted to
2 special programs director?

3 A. The word "promoted" was used incorrectly.

4 Q. So my question was, why did you send 12 out,
5 and your response was --

6 A. This is an update.

7 Q. Right. But your response was that the word
8 "promoted" was used incorrectly, is that correct?

9 A. I don't understand your question.

10 Q. I was just trying to understand. I asked you a
11 question, and what I asked you was, why did you send
12 out a document indicating that Paul Morris had been
13 promoted to special programs director, and your
14 response was the word "promoted" was used incorrectly,
15 is that correct?

16 A. That -- I did not think that was the question
17 you had asked.

18 Q. Well, my question is, why did you send out an
19 update indicating that Paul Morris has been promoted
20 to special programs director?

21 A. I sent out an update to inform my staff of many
22 things at -- there is an August update. The academic
23 calendar year starts in September. The in-service
24 programs are held in August. This is an update that



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1 contains many pieces of information on it. It follows
2 a theme where we talk about people and programs,
3 proposals, policies, and procedures.

4 Q. Well, is it fair to say that, because you
5 indicated in your August 2000 update that Paul Morris
6 had been promoted to special programs director, that
7 he, in fact, was promoted to the special programs
8 director?

9 A. The word that I used in sending out this update
10 was the incorrect word. The documents that all relate
11 to his reclassification was not consulted as I drafted
12 this update. The word "promotion" was used
13 incorrectly.

14 Q. So is it fair to say that you did not consult
15 the reclassification paperwork before you drafted this
16 August 2002 update.

17 MR. McMACKIN: Objection. Foundation.

18 MS. BREWINGTON: You can go ahead and
19 answer. Sorry.

20 MR. McMACKIN: If you know the answer, you
21 can answer.

22 A. I did not have the reclassification report next
23 to me when this was drafted.

24 Q. Did you have any involvement in Paul Morris's



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1 reclassification?

2 MR. McMACKIN: Objection. Foundation
3 again.

4 Q. You can go ahead and answer.

5 A. I was a sign-off signature in the process of
6 the reclassification process.

7 Q. So you were a sign-off signature in the
8 reclassification process, that's correct, right?

9 A. That is correct.

10 Q. So you, in fact, reviewed Paul Morris's
11 reclassification forms and approved them, is that
12 correct?

13 MR. McMACKIN: Objection. Foundation.

14 Q. You can answer.

15 A. I reviewed the documents that were provided.

16 Q. And authorized it, signed off on it, is my
17 question.

18 A. In my step of the process, I signed off on it.

19 Q. So did this sign-off, this review and
20 authorization occur before or after you sent out this
21 August 2002 update indicating that Paul Morris has
22 been promoted to the special programs director?

23 A. Could you repeat the question again?

24 Q. Yes. My question is -- let me take it step by



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1 step.

2 You indicated, did you not, that you
3 reviewed and authorized his reclassification forms, is
4 that correct?

5 A. My step of the process, it is correct.

6 Q. My question to you, then, is, did you review
7 and authorize the reclassification forms before you
8 sent out the August 2002 update?

9 A. Yes.

10 Q. Then why did you indicate that Paul Morris had
11 been promoted?

12 A. I used the word incorrectly.

13 Q. Was the position of special programs director
14 posted?

15 MR. McMACKIN: Objection. Vague.

16 Q. I'm sorry. Was the position of special
17 programs director posted before Paul Morris received
18 the position?

19 MR. McMACKIN: I'm going to object because
20 the question assumes that he received the position.

21 Q. Paul Morris, in your opinion, was reclassified
22 to special programs director, is that correct?

23 A. As result of the process of Delaware Tech, Paul
24 Morris was reclassified as special programs director.



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1 Q. So when he was reclassified as special programs
2 director, he, in fact, became special programs
3 director, is that correct?

4 A. At the completion of the entire sign-off
5 process, Paul Morris was notified that his
6 reclassification was approved.

7 Q. And when was that?

8 A. I don't have the exact date.

9 Q. Not exact. Give me an approximate.

10 A. July.

11 Q. So July 2002?

12 A. Mm-hmm.

13 Q. Could you tell me about the reclassification
14 process?

15 A. My part in the reclassification process is to
16 review the information that is submitted by the person
17 who is seeking reclassification. After my review,
18 there are other steps that are taken according to our
19 human resource process.

20 Q. And who submitted the information that you
21 reviewed with respect to Paul Morris and his
22 reclassification to special programs director?

23 A. The request for consideration for
24 reclassification was submitted by Paul Morris.



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1 Q. And with respect to reclassification, is there
2 a requirement that an employee must be able to
3 complete the additional job duties within their
4 regular working hours?

5 MR. McMACKIN: I'm going to object to
6 form.

7 BY MS. BREWINGTON:

8 Q. You can answer.

9 A. Could you repeat the question again?

10 Q. My question is, with respect to
11 reclassification and the policy on reclassification,
12 isn't there a requirement that, in order for an
13 individual or an employee to be reclassified into
14 another position, they must be able to work those
15 additional duties of that other position within their
16 regular working hours, is that correct?

17 A. I was not aware of that.

18 Q. You were not aware of that, but is that true?

19 A. Based on the information that was communicated
20 by our campus director, it has -- it has been
21 determined it is true.

22 Q. Now, could Paul Morris work the additional job
23 duties that a special programs director requires
24 during his normal work hours?



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1 A. He completed those tasks required, but in order
2 to fulfill additional responsibility of his
3 position --

4 Q. His position meaning?

5 A. The Educational Talent Search program
6 manager --

7 Q. Okay.

8 A. -- functions.

9 Q. I'm not sure I understand.

10 A. The educational program manager functions are
11 the functions of a person who oversees one program.
12 The special programs director has the responsibility
13 not only for one program but for additional programs
14 as well of which there are separate program managers
15 for those parts of the position. It is, again, called
16 a special programs director.

17 Q. I'm not sure you answered my question, though.
18 My question was, prior to being reclassified, did Paul
19 Morris -- or was he able to perform those additional
20 job duties of special programs director prior to being
21 classified as special programs director within those
22 work hours?

23 MR. McMACKIN: Objection to form.

24 I don't understand the question either.



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1 I'm sorry.

2 BY MS. BREWINGTON:

3 Q. All right. I'll try this again because I
4 really want to make sure you understand the question.
5 Prior to the reclassification -- okay? That's what we
6 are talking about -- was Paul Morris able to perform
7 the additional job duties of special programs director
8 within his regular work hours?

9 A. The duties of a special programs director
10 include coordinating responsibilities, best practices,
11 some of the responsibilities that he did perform
12 during the work hours.

13 Q. Is it fair to say that he was not able to
14 perform all the duties of special programs director
15 within his regular work hours?

16 A. That is not fair to say.

17 Q. Why not?

18 A. Because there is a position that he had been
19 reclassified to that is called special programs
20 director, which would be a position that would be a
21 37 1/2 hour, full-time position. Am I missing
22 something?

23 MR. McMACKIN: Off the record for a
24 second.



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1 THE WITNESS: I don't know what I'm
2 missing.

3 (Discussion off the record.)

4 BY MS. BREWINGTON:

5 Q. Back on the record, did Mr. Morris put in a
6 request for extra time to complete his job duties?

7 A. His job duties that were related to the
8 Educational Talent Search program, yes.

9 Q. So he did not put in extra time for work
10 related to the special programs director position?

11 A. That is correct.

12 Q. Now, so is it fair to say that he was not able
13 to perform both the special programs director position
14 and his position as program manager within his regular
15 duties?

16 A. In the process that we were involved in, he did
17 have overtime hours to complete that. Once the
18 reclassification was approved, he did not receive
19 additional hours.

20 Q. But we are talking about prior to the
21 classification.

22 So prior to the -- do you want me to ask
23 the question again?

24 A. He performed duties that were required of a



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1 special programs director during the regularly
2 scheduled workday. In order to accomplish all the
3 oversight tasks he had related to his particular
4 functions in Educational Talent Search, he put in and
5 overtime was approved for these functions.

6 Q. So your answer is yes to my question? I'm
7 trying to make sure that it's clear.

8 MR. McMACKIN: Objection.

9 Q. My question to you -- and it's yes-or-no
10 question -- was he able to perform the additional
11 duties of special programs director as well as his
12 duties as program manager within his regular work
13 schedule?

14 A. No.

15 Q. Thank you.

16 Were you aware that Ken Cole filed a
17 grievance with respect to Paul Morris's change in
18 position from program manager to special programs
19 director?

20 A. What time? Like what time frame?

21 Q. I can give you a time frame, but that wasn't
22 the question. The grievance was actually filed around
23 September 5th, 2002. On September 5th, 2002. I
24 can --



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1 A. I was aware of that grievance.

2 Q. You were aware.

3 How did you become aware of this
4 grievance?

5 A. There was the front page of the grievance sheet
6 with no attachments that was put in my mailbox at
7 the -- my mail bin at the Wilmington campus location.

8 Q. Once you received the grievance, what did you
9 do?

10 A. I can't recall the exact steps, but I knew I
11 was surprised that there were no attachments with the
12 grievance that I had received. And I know I consulted
13 HR at that point.

14 Q. What type of attachments should have attached
15 to the grievance?

16 A. I just got the one front page sheet.

17 Q. Okay. You consulted -- off the record.

18 (Discussion off the record.)

19 BY MS. BREWINGTON:

20 Q. Back on the record, and I don't really remember
21 where we were. Ken Cole's grievance, September 5,
22 2002. I think my question was, how did you respond to
23 the grievance? And you did say you consulted HR,
24 correct?



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1 A. HR, our assistant campus director, and to
2 determine the process that I was following, HR manual.

3 Q. Okay.

4 A. Review the information. I had step 1 of the
5 grievance. That's called step 1.

6 Q. The assistant director was Ann Del Negro?

7 A. Yes.

8 Q. So you consulted Ann Del Negro, and you
9 consulted human resource?

10 A. And our assistant campus director, Connie
11 Winner.

12 Q. And how did you respond to this grievance?

13 A. I obviously looked at the word "promotion,"
14 recognized that it was an error in my communication to
15 the staff, went back and looked at the information
16 related to the reclassification process, and
17 communicated that information related to the
18 reclassification process in the response of my
19 grievance that there was not a promotion. It's not a
20 separate position. It was erroneously stated in my
21 update the word "promotion." And that I sent out
22 information to the staff in an update correcting the
23 mistake.

24 Q. So would it be fair to say that you sent out a



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1 revision of the August 2002 update indicating that
2 Paul Morris received a promotion?

3 A. Yes.

4 Q. And are you aware that you sent out this update
5 four days after Ken Cole filed a grievance?

6 A. I'm aware that this was brought to my attention
7 that the word "promotion" was used, and I reviewed my
8 information and indicated that it was a
9 reclassification. That's what the process was. And I
10 had used the wrong word.

11 Q. Didn't you send this memo out to the CCP staff
12 informing them of the revision because of Ken Cole's
13 grievance?

14 A. I sent it out because it was brought to my
15 attention through documentation that the word
16 "promotion" was used in something I had sent out, and
17 that was, in my review, was not the correct word.

18 Q. And isn't it fair to say that it was brought to
19 your attention because of Ken Cole's grievance?

20 A. Yes.

21 MS. BREWINGTON: I'd actually like to mark
22 this as an exhibit. It is 3. And it's --

23 MR. McMACKIN: It's marked as exhibit 2,
24 though, right?



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1 MS. BREWINGTON: This will be exhibit 2.

2 (Zawislak Deposition Exhibit 2 was marked
3 for identification.)

4 BY MS. BREWINGTON:

5 Q. Dr. Zawislak, is this the memo that you sent
6 out to the CCP staff?

7 A. Yes.

8 MS. BREWINGTON: The next exhibit I'd like
9 to mark this as 3.

10 (Zawislak Deposition Exhibit 3 was marked
11 for identification.)

12 BY MS. BREWINGTON:

13 Q. The document that you have in front of you, it
14 is to Jackie Jenkins, director of human resources, and
15 it's from Lawrence Miller, vice-president and campus
16 director, and the subject is rescission of
17 reclassification of Paul Morris, and it's dated
18 October 29, 2002, is that correct?

19 A. Yes, it is.

20 Q. Effective December 1st, 2002, Paul Morris will
21 be returned to his position of program manager and
22 removed from the position of special projects
23 director.

24 My question is, why did Lawrence Miller



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1 send out this rescission of reclassification?

2 A. The second step in our grievance process is to
3 appeal it to the next level of responsibility in the
4 organization.

5 Q. So it went through you, and what happened as a
6 result?

7 A. The second level of our grievance process was
8 followed.

9 Q. So does that mean that nothing changed as far
10 as the reclassification -- I mean, not the
11 reclassification. His position as special programs
12 director remained in play or the way it was after
13 Ken's grievance was filed with you?

14 MR. McMACKIN: I'm going to object to the
15 form. You can answer if you can answer.

16 A. It stayed -- did not revert at the end of
17 level 1. Level 1 is the first step in our process.

18 Q. And that's why it went to level 2, is that
19 correct?

20 A. Ken filed level 2.

21 Q. Ken filed level 2, and level 2 is with Lawrence
22 Miller?

23 A. Yes.

24 Q. I'm sorry. I did interrupt you. You were



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1 explaining to me why Lawrence Miller rescinded this
2 reclassification.

3 A. He has responsibility in the second level of a
4 grievance process to conduct a more exhaustive
5 investigation.

6 Q. What's your understanding of why he rescinded
7 the reclassification?

8 A. My understanding of that --

9 Q. Mm-hmm.

10 A. -- is that, on the reclassification request,
11 Paul submitted all the duties and responsibilities
12 that he had been performing. Nowhere on the
13 reclassification request paperwork did it say, are you
14 doing this as part of your regular work load or in
15 overtime? When the HR director reviewed and met with
16 Paul, it was communicated, as I communicated to you,
17 that he performed the duties of the special
18 programs -- projects director during the regular
19 workday, but he did have extra compensation for
20 completing other duties. At that point it was
21 determined that the reclassification should be
22 rescinded.

23 Q. As I understand it -- and please correct me if
24 I'm wrong -- in your opinion Lawrence Miller was able



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1 to do a more extensive research on the issue of Ken
2 Cole's grievance, is that correct?

3 A. There are levels in our process where further
4 investigation is done.

5 Q. Okay.

6 A. He is at the next level in the process.

7 Q. So my question is, was he able to do a more
8 extensive review of this situation than you?

9 A. Was he able? He did.

10 Q. He did. Okay.

11 And who signed off on Paul Morris's
12 additional hours?

13 A. At the time --

14 MR. McMACKIN: Objection. Vague.

15 Q. Go ahead.

16 A. When Ann Del Negro moved into another position
17 at the campus, there were several individuals who had
18 extra hours added to their responsibilities, and that
19 was overtime hours, and overtime hours are approved by
20 the division director.

21 Q. So who was the division director that signed
22 off on Paul Morris's extra time?

23 A. I was.

24 Q. Okay.



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1 A. The assistant director --

2 Q. Well, assistant director or --

3 A. Signed the time sheets.

4 Q. The assistant director signed the time sheets.

5 A. Signed the time sheets, yes.

6 Q. And the assistant director at that time was
7 who?

8 A. Ann Del Negro.

9 Q. Do these time sheets ever come to you after the
10 assistant reviews them or signs off on them?

11 A. No. No.

12 Q. When Paul Morris changed positions from program
13 manager to special programs director, why wasn't the
14 position of special programs director posted?

15 A. Special programs require funding streams.
16 Funding streams must be available to support the
17 entire position in its entirety. Therefore, if you're
18 managing more than one program, you have funding
19 streams from several programs.

20 Q. Okay. I don't understand. I mean, my question
21 was, why wasn't the position of special programs
22 director posted? And as I understand it, your
23 response is because there's different funding streams.

24 A. Exactly. That in order for a special projects



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1 director position to be posted, as a posted separate
2 position, there would need to be funds established in
3 many grants in order to support the funds required to
4 pay that salary. Special funds positions, are
5 supported by identified funding streams.

6 Q. So, as I understand it, the reason why the
7 special programs director position was not posted was
8 because of the funding streams, am I correct?

9 A. No.

10 Q. Explain it to me again.

11 A. A separate position that would have to have an
12 accountability for programs that were already funded.
13 A special projects director position was in charge of
14 looking at things as they relate across many of the
15 different programs with the different grants totally
16 funding that position.

17 Q. Is it fair to say that the reason why it wasn't
18 posted is because of funding?

19 A. There was no funding allocated to a separate
20 position for special projects director.

21 (Pages 27, et seq., are under seal without
22 the seal request ending.)
23
24



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1 BY MS. BREWINGTON:

2 Q. When Paul Morris was reclassified, didn't he
3 move from grade 16 to grade 17?

4 MR. McMACKIN: I'm going to ask that the
5 answer be kept under seal.

6 A. Yes.

7 Q. Doesn't a person or an employee in grade 17
8 receive more money or more of a salary --

9 A. Yes.

10 Q. -- than grade 16?

11 A. Yes.

12 MR. McMACKIN: Like the last deposition,
13 we'll just go through, just put it on the record.
14 We'll figure out what is confidential or stipulate.
15 We are just making mention of it so we don't lose the
16 place.

17 MS. BREWINGTON: All right. You want
18 to --

19 MR. McMACKIN: So we don't have to tell
20 her when to stop.

21 MS. BREWINGTON: Okay. I see what you're
22 saying.

23 MR. McMACKIN: As we did last time.
24



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1 BY MS. BREWINGTON:

2 Q. The fact that this position wasn't posted,
3 isn't that a violation of Del Tech's transfer and
4 promotion policy?

5 MR. McMACKIN: Objection. Foundation.

6 A. It was a reclassification, which is part of
7 Delaware Tech's policy.

8 Q. Are there special programs directors at other
9 campuses?

10 A. At that time, yes.

11 Q. Do you know whether their positions were
12 posted?

13 A. No, I do not.

14 Q. Where exactly in the policy manual is the
15 reclassification policy?

16 MR. McMACKIN: Object on foundation again.

17 A. I cannot say that information comes from the HR
18 department to the campus at the time the
19 reclassification process is on the schedule. I
20 believe it is every April information comes out in a
21 document to employees, to supervisors to basically
22 give them that information of what the process is.

23 Q. But this wasn't a reclassification because it
24 was rescinded, correct?



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1 MR. McMACKIN: Objection. Argumentative.

2 A. Again, you know, I said in a memo dated --
3 issued by Karen Stone, this is what a reclassification
4 review was. And this is what came out from Karen
5 Stone, vice-president for human resources, that I
6 cited in my exhibit 2.

7 Q. Dr. Zawislak, whose decision was it to move the
8 Upward Bound Math and Science program?

9 MR. McMACKIN: Objection. Vague.

10 BY MS. BREWINGTON:

11 Q. Whose decision was it to move the Upward Bound
12 Math and Science program from where they were
13 originally located to room 408?

14 A. Okay. There is a campus college vision to
15 utilize space in the most conducive process that we
16 can group programs together. It was communicated
17 every year since I've been there that each year we
18 reexamine our available space to determine how it can
19 be used most effectively for the division functions.
20 The individuals responsible for program oversight of a
21 particular area make recommendations and --

22 Q. Can you repeat that last part?

23 A. For example, if --

24 Q. You mentioned a certain position.



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1 A. If the position -- like, for example, at the
2 Stanton campus, I have our industrial training
3 division.

4 Q. Okay.

5 A. Okay. There is an administrative group of
6 folks that work with that area at the Wilmington
7 campus. Ann Del Negro was my assistant director, and
8 she worked with Paul Morris as the special projects
9 director and with the program managers and had
10 knowledge of the space restrictions, requirements,
11 what have you at the Wilmington campus. And when a
12 program was downsized, basically a recommendation was
13 made to me that this would be a good utilization of
14 space.

15 Q. The recommendation was made to you that it
16 would be a good utilization of space?

17 A. That we had four people -- or actually it was
18 three people in one room, and one person in that
19 office. If it's A or B -- you know, you see different
20 things in the documents. I'm sure you noted that.
21 That there -- and at that point, there were two people
22 who were downsized.

23 Q. We'll get to that. Who made the recommendation
24 to that?



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1 A. My assistant director.

2 Q. So when Ann Del Negro made the recommendation
3 to you, what did she say to you?

4 A. What move are we referring to?

5 Q. I'm sorry.

6 A. Time frame.

7 Q. Moving Upward Bound Math and Science to room
8 408?

9 A. To room 408?

10 Q. In and around 2002.

11 A. Okay.

12 Q. You mentioned that Ann Del Negro made the
13 recommendation to you --

14 A. To me.

15 Q. -- for the move. Was this in a meeting?

16 A. We -- as my assistant director, I talked to her
17 every day. It wasn't a formal meeting that other
18 folks were present.

19 Q. What exactly did she say to you?

20 A. You have a program. There we have space.

21 Let's --

22 MR. McMACKIN: Lori, can you clarify, this
23 line of questioning deals with the actual move to 408,
24 not any proposed moves? Is that what you're referring



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1 to in this line of questioning?

2 MS. BREWINGTON: I don't know what the
3 difference is. The proposed move, an actual move,
4 seems to me the same thing.

5 BY MS. BREWINGTON:

6 Q. My question is, who made the recommendation to
7 move?

8 A. Why don't you give a time frame then?

9 Q. I did.

10 MR. McMACKIN: My understanding is that
11 there was a proposed move in 2001.

12 MS. BREWINGTON: Okay. I mentioned 2002.

13 MR. McMACKIN: And there was talk of the
14 move beginning in, I think, June of 2002 all the way
15 up until the actual move.

16 MS. BREWINGTON: And that's what I'm
17 referring to.

18 MR. McMACKIN: I just wanted to see --

19 MS. BREWINGTON: When you say proposed
20 move, you mean 2001.

21 MR. McMACKIN: No. I don't know. I don't
22 mean -- I'm just asking because there was a proposed
23 move, and from what I understand -- I don't want to
24 provide testimony here. I just want to clarify it



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1 because you're asking the deponent about
2 conversations, and if they occurred, you know, in 2001
3 or they occurred in early summer 2002 or early fall
4 2002. You are dealing with three different things.

5 BY MS. BREWINGTON:

6 Q. We were talking about the recommendation and
7 you indicated that it was Ann Del Negro's
8 recommendation to you, not necessarily in a meeting,
9 but at some point?

10 A. Right. Just in talking, yeah.

11 Q. And you also mentioned that it was the campus
12 college vision to utilize the space in the most
13 conducive way, is that correct?

14 A. The exact words I don't have in front of me.

15 Q. But is that generally --

16 A. That we reexamine the office space for the best
17 effective functioning of the division or however it is
18 said to be done.

19 MR. McMACKIN: Object to the form.

20 MS. BREWINGTON: We may need to take a
21 break. Can we go off the record?

22 (Pause.)

23 BY MS. BREWINGTON:

24 Q. Dr. Zawislak, you mentioned earlier -- correct



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1 me if I'm wrong -- that funding was part of the reason
2 why this special programs director position was not
3 posted, is that correct?

4 A. Yes.

5 Q. I'm quite confused, and I hope you can explain
6 this to me that, if there are no moneys in the budget
7 for posting, why are there moneys in the budget for
8 reclassification?

9 MR. McMACKIN: Objection. Argumentative.

10 A. The budget money has nothing to do with the
11 process of posting or reclassification. The special
12 projects director, to be posted as an entirely
13 distinct position with a different number -- in order
14 for a position to be created, we need to complete
15 paperwork that indicates that there are grant sources
16 to fund an entire new posted position.

17 Q. So, as a follow-up, where did the money come
18 from to pay Paul Morris's salary as special programs
19 director?

20 A. The majority of the money would come from the
21 position functions of educational programs manager
22 that he previously had because the role of the special
23 projects director assumes that you have management
24 oversight for one program plus additional oversight



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1 for other programs.

2 Q. Okay. So --

3 A. The -- confidentially, I guess, the salary
4 difference is a couple thousand dollars a year as
5 opposed to a new separate distinct position with
6 salary and benefits probably be in over \$65,000.

7 Q. Okay. Let me go back. So the majority of the
8 money came from his position as program manager, is
9 that correct?

10 A. The funding for the position, yes.

11 Q. And that's from the grant, is that correct?

12 A. That's how the grants are written, yes.

13 Q. So the grant allowed for him to pay the
14 majority of his salary through the grant?

15 A. All special funded positions --

16 MR. McMACKIN: Objection. Form.

17 A. -- are paid by grants.

18 Q. You mentioned that the majority was through the
19 grant, correct?

20 A. Mm-hmm.

21 Q. What was the rest through?

22 A. Through other grants.

23 Q. Other grants?

24 A. Other grants that you oversee have different



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1 fund lines. So one program has one fund line.
2 Another program has another fund line. We have one
3 program that you would look at, on paper it has four
4 fund lines. It's the challenge of managing programs
5 that are not established positions funded through the
6 State of Delaware. They are funded through special
7 grants.

8 MS. BREWINGTON: I'd like to go to my next
9 exhibit. I think we are on exhibit 4.

10 (Zawislak Deposition Exhibit 4 was marked
11 for identification.)

12 MR. McMACKIN: I'm going to say for the
13 record, this isn't the entire grant; it's just a part
14 of it.

15 THE WITNESS: This is the achievement
16 report.

17 MR. McMACKIN: I'm sorry. Achievement,
18 not grant.

19 BY MS. BREWINGTON:

20 Q. Could you tell me what this document is?

21 A. This is the achievement report that I had
22 compiled in FY99 that was based on my goals and
23 objectives as part of my operational plan in 1998.
24 So, in other words, every year we have an operational



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1 plan, and then we evaluate what we had done in that
2 plan, and we report back to the college community
3 based on, you know, what goals and objectives we have
4 that this is an open, you know, achievement report of
5 the college.

6 Q. And you mentioned --

7 A. Page 42, 43.

8 Q. And you mentioned, did you not, that you
9 regularly or annually review or reexamine existing
10 office space, is that correct?

11 A. Yes.

12 Q. Objective 2 states, "We examine existing office
13 space and reallocate where appropriate," is that
14 correct?

15 A. That's the objective that was stated in the
16 achievement report of 1999.

17 Q. So is it fair to say that you not only have to
18 reexamine the existing office spaces, but you have to
19 reallocate where it's appropriate --

20 MR. McMACKIN: Objection. Compound.

21 Q. -- to reallocate?

22 A. In this achievement report, this is the
23 objective that is listed.

24 Q. And this objective was written by you?



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1 A. And the division.

2 MR. McMACKIN: Objection to form.

3 A. The division, and you know, it's submitted to
4 the campus director. And this is in 1998.

5 Q. Okay. It's in 1998 or 1999?

6 A. The report is issued in 1999 for what had
7 happened from the time I was in this position to that
8 report. Every year our plans go into place to say,
9 you're starting a new fiscal year, July. You're
10 starting a new academic year, August. And we have to
11 report back to the college community in May or June of
12 the next year of the accountability. What did you say
13 you were going to do? And how was it done? At this
14 point in time was 1998, 1999.

15 Q. Is it fair to say that one of the visions of
16 the program is to continue to, even to this day,
17 reexamine existing office spaces?

18 MR. McMACKIN: Vague.

19 A. Every year in the operational plan, there is
20 wording that would -- may differ from document to
21 document, but that looks at the whole concept of
22 programs that are funded or non-funded, programs that
23 grow, programs that expand, programs that, because of
24 the needs of the community, need more space, and



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1 programs that do not, that are downsized, programs
2 that hire supplemental people, positions that become
3 available on a temporary basis, you know.

4 Q. Is it fair to say that, in accordance with the
5 achievement report of 1999, that you are to reallocate
6 where appropriate?

7 A. In 1999 that is what I reported. Some
8 background information. Delaware Technical and
9 Community College, as you know -- I hope you know.
10 You're in Wilmington, right? -- is a dynamic, growing
11 institution. And we were fortunate to be able to add
12 that new building, and that new building actually,
13 before that time -- before this became available that
14 we could even move people around, there were two and
15 three people in one small office from various
16 programs, on different levels, on different floors, in
17 different buildings.

18 MR. McMACKIN: I'm going to caution the
19 witness to only answer the question that's asked.

20 BY MS. BREWINGTON:

21 Q. In defendant's answers to interrogatories, you
22 cited this report as your vision to relocate -- to
23 reallocate. I'm sorry. I'll repeat question.

24 MR. McMACKIN: Do you want to show the



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1 interrogatories?

2 (Pause.)

3 BY MS. BREWINGTON:

4 Q. I'll represent to you that on defendant's
5 answers to interrogatories you cited this report as
6 your vision to reallocate. Was this the last fiscal
7 year it was your goal?

8 MR. McMACKIN: Objection. Foundation.
9 The question is vague. And it may mischaracterize.
10 The document is not being presented, what the
11 interrogatory response was. And further, it also
12 implies that it was Dr. Zawislak's decision.

13 But to the extent you can answer, you can
14 answer.

15 A. When I was hired in the position in July of
16 1998, there were books all over in different offices
17 because the greatest challenge that we have is
18 programs are added, programs are taken away. The goal
19 that was communicated to the campus community -- the
20 college community that was -- the campus in general --
21 you know, it's however we're going to best use the
22 space that we have. Everybody to this day still looks
23 at adding -- you know, how do we add classrooms? How
24 do we serve more students? How do we really look at



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1 being able to serve our community.

2 Q. So this was the goal in 1999, correct?

3 MR. McMACKIN: Objection. Foundation.

4 A. It was stated as an objective under goal, under
5 college effectiveness.

6 Q. Was it a goal in 2000?

7 MR. McMACKIN: Same objection.

8 MS. BREWINGTON. Okay. Your objections
9 are noted. We can have a long-standing objection for
10 foundation.

11 MR. McMACKIN: Well, no, I am not talking
12 about the interrogatories, the lack of
13 interrogatories. This particular time you're
14 referring to the year 2002 report, or what are you
15 referring to?

16 MS. BREWINGTON: No. I'm not. I'm asking
17 if it was the goal in 2000.

18 BY MS. BREWINGTON:

19 Q. The same goal that was in 1999 that we just
20 talked about was a goal in 2000?

21 A. I don't know if the exact words are. That
22 information is part of documents that show our
23 achievement reports every year.

24 Q. Did you produce other achievement reports to us



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1 besides the 1999 achievement report?

2 A. Yes.

3 Q. What fiscal year reports did you present?

4 A. I don't know, but there was a whole series to
5 show that. This is not a one-time thing.

6 Q. Okay. That's fine.

7 A. And it was information that was provided.

8 Q. So is it fair to say, from 1999 to present,
9 there are fiscal year reports?

10 A. There are achievement reports.

11 Q. From 1999 to the present?

12 A. I would assume. I can't answer that I --
13 there's the achievement reports. I don't know if
14 every single one is in there. I mean, they were
15 produced. I don't have it in front of me.

16 Q. Do they exist?

17 A. Oh, yeah.

18 Q. Okay.

19 A. Oh, yeah. At the campus these are -- they are
20 a big thing, every year you say what are you going to
21 do and --

22 Q. I see?

23 A. -- and how did you achieve it? This is a
24 campus plan.



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1 Q. If I can turn your attention to another
2 exhibit, I'm not sure it's dated. Maybe it is. It's
3 dated at the top August 14th, 2002. If you could take
4 the time to review this.

5 (Zawislak Deposition Exhibit 5 was marked
6 for identification.)

7 BY MS. BREWINGTON:

8 Q. Have you had an opportunity to review it?

9 A. Yes.

10 Q. Are you familiar with this document?

11 A. Yes.

12 Q. It's a memo, is it not, from Brigitte Brown,
13 Kenneth Cole, and Elizabeth Wilson to Ann Del Negro
14 and yourself?

15 A. It was an e-mail.

16 Q. An e-mail. Excuse me.

17 It also ccs Paul Morris and REDACTED
18 REDACTED , correct?

19 A. Yes, it did.

20 Q. Did you meet with the Upward Bound Math and
21 Science after this e-mail was sent?

22 MR. McMACKIN: Objection. Vague.

23 A. Could I comment on this?

24 Q. You can answer my question. Did you meet with



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1 them?

2 A. I met with individuals in the Upward Bound Math
3 and Science program.

4 Q. Who did you meet with?

5 MR. McMACKIN: Objection. Vague.

6 We retract the objection.

7 A. I met with program manager REDACTED
8 Paul Morris, and Ann Del Negro in a meeting.

9 Q. After this e-mail was sent, you met with REDACTED
10 REDACTED and Ann Del Negro?

11 A. And Paul Morris.

12 Q. And Paul Morris?

13 A. At a meeting following another meeting. So
14 when you say after, could you give me a time frame?

15 Q. Okay. I can. Did you meet individually or
16 together -- or let me ask you this. Did you meet with
17 Ken Cole, Brigitte Brown, and Liz Wilson?

18 A. I met with them in individual meetings after a
19 series of other meetings had occurred. Not right
20 after this e-mail was received.

21 Q. Okay. You said you had individual meetings
22 with the members of the Upward Bound Math and Science,
23 correct?

24 A. Yes, I did.



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1 Q. Why were these meetings individually held as
2 opposed to held in a group?

3 A. There already had been group meetings that had
4 been held prior to the meeting with me.

5 MR. McMACKIN: Objection to form.

6 Q. So your reason for not meeting with the group
7 is because they had met with the group -- you had met
8 with the group previously? Had you met with the group
9 previously? I'm sorry.

10 A. No.

11 MR. McMACKIN: Can you rephrase that
12 question?

13 BY MS. BREWINGTON:

14 Q. My question, had you met with the group
15 previously?

16 A. No, I had not met with the group previously.

17 Q. As I understand it, your reason for not meeting
18 with the group previously is because other people have
19 met with the group?

20 A. In following a process, there are numerous
21 steps one takes. This e-mail, which would never have
22 gotten to me if this was the document because my name
23 is spelled incorrectly -- if you would have sent an
24 e-mail, which that is how I got the information, it



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1 would have kicked back with the name spelled like
2 this. Okay? But I received this. I was on vacation
3 on this date.

4 Q. Okay.

5 A. Annual leave vacation. The next day when I
6 came in, the direct supervisor of these individuals
7 was on annual leave. The next day was our in-service
8 program. That's a mandatory campus program where we
9 are in meetings all day.

10 The next day the supervisor of these
11 individuals was on vacation. I did not, in our
12 protocol, respond to an e-mail that was sent to me
13 without first speaking to my assistant director or
14 their director related to this topic.

15 Q. Okay. So is it fair to say that the protocol
16 is you speaking with Ann Del Negro and Paul Morris and
17 REDACTED ?

18 A. Or even with --

19 Q. Are you saying that you did or did you not
20 receive this e-mail? I don't understand.

21 A. I received this e-mail.

22 Q. But you didn't receive it through your e-mail,
23 is that correct?

24 A. No. I received an e-mail.



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1 Q. Is this the e-mail that you received?

2 A. It -- I cannot say that. It doesn't say --
3 this isn't a copy of the e-mail. You know, when it
4 says, to, e-mail from blah, blah, blah. This is not a
5 copy of the e-mail. I did not receive a memo. I
6 received an e-mail.

7 MR. McMACKIN: I just want to state on the
8 record that this document is not Bates stamped.

9 Q. Do the contents of this memo accurately reflect
10 the contents of the e-mail that you received?

11 A. Yes, it does.

12 Q. And going back to my question to you -- and I
13 want to understand your answer -- why did you meet
14 with the individuals of Upward Bound Math and Science
15 separately as opposed to in a group?

16 MR. McMACKIN: Asked and answered. You
17 can answer it to the extent that you know the answer.

18 A. There were numerous steps taken before any
19 meetings that involved me occurred with these staff
20 members.

21 Q. And when you say numerous steps, do you mean
22 the fact that the Upward Bound Math and Science
23 program had met as a group with Paul Morris and Ann
24 Del Negro?



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1 A. That is one meeting.

2 Q. So it was your decision to address the group
3 individually because they had already been in group
4 meeting.

5 MR. McMACKIN: Object to form.

6 A. The other meeting that isn't noted in this
7 sequence is the meeting with REDACTED , Paul,
8 Ann, and myself.

9 Q. What was the benefit of having an individual
10 meeting with each Upward Bound member?

11 A. I consulted with our assistant campus director
12 and determined that there was a group meeting. All
13 the information was provided. There were -- I had
14 received -- I don't know what you want to say -- a
15 handout that was provided at that meeting, which was
16 what the topic of that meeting was. My assistant
17 director, who is an administrator at the college, made
18 the recommendation to me to go, you know, go on with
19 the move. Basically we wanted to gather more
20 information. Individual meeting would allow
21 individuals to communicate their perspective.

22 Q. Wouldn't group meetings allow for individuals
23 to communicate their perspective?

24 A. That had already occurred.



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1 MR. McMACKIN: Objection.

2 Q. But my question is, wouldn't group meetings
3 allow for the Upward Bound management members to
4 address their individual concerns?

5 MR. McMACKIN: Objection. Argumentative.
6 Not objection. Sorry.

7 A. They met with my assistant director.

8 MS. BREWINGTON: Can you instruct her to
9 answer the question, please?

10 MR. McMACKIN: I'm not going to object.
11 Asked and answered. Again, just so I can understand
12 it too.

13 BY MS. BREWINGTON:

14 Q. I don't know what my question was. Would group
15 meetings allow the members of the Upward Bound Math
16 and Science program to express their individual
17 opinions?

18 MR. McMACKIN: Objection. Calls for
19 speculation.

20 A. Group and individual meetings would allow
21 individuals to provide that information, both options
22 would.

23 Q. Okay. Thank you.

24 Who did you meet with first?



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1 A. The program supervisor.

2 Q. No. Let me clarify. Out of Brigitte Brown,
3 Liz Wilson, Ken Cole, who did you meet with first?

4 A. It was either Brigitte or Liz.

5 Q. I'll represent to you that you met with
6 Brigitte Brown on September 5th, 2002, which was the
7 first meeting. My question is, what occurred during
8 that meeting?

9 MR. McMACKIN: Objection. Foundation.

10 A. Just trying to get information about the
11 perspectives related to the move.

12 Q. Who was involved in that meeting?

13 A. Ann Del Negro and myself.

14 Q. It was Ann Del Negro and you and Brigitte
15 Brown?

16 A. Mm-hmm.

17 Q. Where was the meeting held?

18 A. In my office.

19 Q. What did you say?

20 A. I don't recall.

21 Q. Do you recall anything that you said in that
22 meeting?

23 A. We talked about the space and the fact that the
24 space belongs to the college, that the college is



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1 dynamic and changing. I remember Brigitte saying that
2 they didn't object to moving, just where they were
3 moving.

4 Q. Did she say why she objected to where she was
5 moving?

6 A. I don't recall.

7 Q. You don't recall her indicating that she felt
8 like she was being treated unfairly?

9 MR. McMACKIN: Objection to form.

10 A. In terms of her then clarifying that, if she
11 would have said that -- I don't recall the answer, how
12 she was being treated unfairly.

13 Q. I'm just trying to understand.

14 A. Yeah.

15 Q. You recall her saying that she was treated
16 unfairly?

17 A. That not what I said. That's what you said.

18 Q. I'm asking. So you don't recall her saying she
19 was untreated unfairly?

20 A. I know that she was -- she expressed discontent
21 about the move.

22 Q. Do you recall her saying that she felt like she
23 was being treated unequally?

24 A. I don't know. Her, herself? No. Not her



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1 herself.

2 Q. You don't recall her saying that?

3 A. I don't recall her saying that she herself was
4 treated unequally.

5 Q. Do you recall her saying that she felt that
6 there were other reasons for the move?

7 A. I recall her saying that.

8 Q. Did you follow up with her and ask her what
9 other reasons?

10 A. She indicated other reasons.

11 Q. And what were those other reasons?

12 A. She indicated that it would be -- there were
13 things to do about other programs, and this would be,
14 I guess, kind of confidential, kind of --

15 Q. You can answer.

16 A. We are talking about other programs than the
17 programs that we're talking about.

18 Q. So Brigitte Brown mentioned that she felt that
19 there were other reasons for the move, is that
20 correct?

21 A. That is what she had said.

22 Q. What other reasons did Brigitte Brown indicate?

23 A. That it was due to another program and issues
24 dealing with another program.



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1 (Pages 54, et seq., are under seal without
2 the seal request ending.)
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1 BY MS. BREWINGTON:

2 Q. What other program and what other issue?

3 MR. McMACKIN: Let's go confidential here,
4 please.

5 A. And it is confidential because basically --

6 Q. I completely understand.

7 A. When we were talking with individuals and
8 saying that, oh, there is something else going on in
9 this area, that's the reason why they want us to move,
10 and we are working with staff and there are staff
11 that -- it was observed by those individuals that
12 there was tension between those staff, those staff
13 members.

14 Q. Who are you talking about? Please provide me
15 names.

16 A. Kate Sullivan and Tonia.

17 Q. And what color is Kate Sullivan? What race?
18 Excuse me.

19 A. She's Caucasian.

20 Q. And what race is Tonia Conley?

21 A. She's African American.

22 Q. Did Tonia Conley ever file a grievance against
23 Kate Sullivan?

24 A. To my knowledge, a formal grievance was not



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1 submitted.

2 Q. Was an informal grievance submitted?

3 A. I am not aware of any details related to that
4 particular thing. I know that there was definitely
5 tension.

6 Q. Are you aware if there was any informal
7 grievance?

8 A. There was talk of a grievance. I can't say I
9 recall there was a grievance, you know.

10 MR. McMACKIN: Object to that question as
11 vague because I don't know what "informal grievance"
12 is.

13 MS. BREWINGTON: I'm using the term that
14 she used.

15 A. I mean, there's no formal grievance. There was
16 no formal grievance.

17 Q. Okay.

18 A. So that's the answer: There's no formal
19 grievance.

20 Q. And you are aware of issues, are you not? You
21 are aware of issues between Tonia Conley and Kate
22 Sullivan, is that correct?

23 A. Confidentially speaking, yes.

24 Q. What issues were you aware of?



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1 A. Issues that were brought to my attention by my
2 assistant director, Ann Del Negro, who was their
3 direct supervisor, who was working with them on
4 performance-related issues.

5 Q. What issues? I'm not asking who brought them.
6 Just what are the issues?

7 A. Accountability.

8 Q. Accountability of who?

9 A. Tonia.

10 Work style differences between Kate and
11 Tonia. And -- okay.

12 Q. Tonia Conley reported to Kate Sullivan?

13 A. Yes.

14 MR. McMACKIN: Objection to form.

15 Q. Is that true? Is that correct?

16 A. Sure.

17 Q. How did you address Brigitte Brown's concerns
18 that she felt that there were other issues with
19 respect to the move?

20 A. We said that there's confidential issues, can't
21 be discussed. We can't discuss other programs.

22 Q. And that's how you handled that situation?

23 A. With Brigitte, yes.

24 Q. Did you look into whether the issues with Tonia



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1 Conley and Kate Sullivan may have sparked the reason
2 for this move?

3 A. Their issues occurred well before any
4 downsizing of any program and any move.

5 MR. McMACKIN: Object to that question on
6 foundation.

7 Q. Is it fair to say that the issues between Tonia
8 and Kate impacted the move in some respect?

9 A. No.

10 Q. And do you recall meeting individually with Ken
11 Cole?

12 A. Yes, I do. And Ann Del Negro and Cara Stanard.

13 Q. Okay. Thank you.

14 So in that individual meeting with Ken
15 Cole you also met with Ann Del Negro and Cara Stanard?

16 A. Cara Stanard was there at Ken Cole's request.

17 Q. Who is Cara Stanard?

18 A. She's a HR representative. I don't know her
19 title.

20 Q. You met with Brigitte on September 5th, 2002,
21 correct?

22 A. Mm-hmm.

23 Q. When did you meet with Ken Cole?

24 A. Do you have the date I met with Liz?



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1 Q. I don't.

2 A. Okay. Because we met with Brigitte. We met
3 with Liz.

4 Q. The next day you met with Liz?

5 A. I believe it was the next day.

6 Q. So shortly after the meeting with Brigitte
7 Brown that you met with Ken Cole, is that correct?

8 A. There was probably a weekend in there, and I
9 believe that there was a request for a continuation of
10 a meeting with Ken Cole that occurred, I believe,
11 prior to the weekend and after the weekend. So I met
12 with Ken Cole and Cara Stanard and Ann Del Negro.

13 Q. On two occasions?

14 A. On two occasions because Ken felt that he did
15 not get his concerns heard on the first meeting.

16 Q. Well, within those two meetings, did Ken Cole
17 express to you his concerns about being treated
18 unequally because of the move?

19 MR. McMACKIN: Objection. Vague.

20 A. He did not say that related to himself.

21 Q. Did he say it related to anything or anyone?

22 A. Maybe the program.

23 Q. You recall, do you not -- I'm asking. I don't
24 want to be argumentative.



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1 A. Okay. Yeah.

2 Q. Do you recall him indicating that he felt that
3 the program, Upward Bound Math and Science, was being
4 treated unfairly?

5 A. Or differently. I don't recall the exact word.

6 Q. So it was --

7 A. I think it was -- he wrote a document where he
8 put something in there. So I don't know his exact
9 words.

10 Q. You don't know what he expressed to you during
11 the meeting?

12 A. I don't recall.

13 Q. So is it fair to say that this may have been
14 unequally?

15 MR. McMACKIN: Calls for speculation.
16 Objection.

17 A. Differently.

18 Q. Is it fair to say, it might have been that he
19 said he felt the program was being treated unfairly?

20 MR. McMACKIN: Asked and answered.

21 A. I can't recall the words he used in the
22 meeting.

23 Q. Did he provide to you exhibits or photographs
24 or diagrams of alternatives to the move that was



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1 proposed?

2 A. As I recall, yes.

3 Q. Did you review those alternatives?

4 A. The information that was presented was
5 reviewed, Ann and I and Ken discussed those
6 alternatives during the meeting.

7 Q. So you discussed those alternatives with Ken
8 Cole during the meeting along with Ann Del Negro, is
9 that correct?

10 A. And Cara Stanard.

11 Q. And Cara Stanard.

12 Is that correct?

13 A. To the best of my knowledge, I know that we had
14 information related to the move. I don't know what
15 day it occurred on or what have you. I know that
16 there was a proposal that was provided, and I know
17 that there was a colored document, you know, pink,
18 green, yellow.

19 Q. Did you discuss that document with Ken Cole at
20 that meeting?

21 A. I believe we discussed the document.

22 Q. What did you tell him with respect to those
23 alternatives?

24 A. We looked at the alternatives. There were



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1 various alternatives presented. At that point, we
2 looked at kind of stepping back. The move didn't
3 occur then, and we needed more information, and we
4 needed to pursue things.

5 Q. In part of the pursuing things, did you
6 consider Ken Cole's alternatives that he provided to
7 you?

8 A. The information was reviewed.

9 Q. It was reviewed at the meeting. Was it
10 reviewed after the meeting?

11 A. Reviewed, discussed.

12 Q. Who reviewed it?

13 A. Ann Del Negro and myself.

14 Q. So you and Ann Del Negro reviewed the
15 alternatives after the meeting?

16 A. Mm-hmm. Yes. And probably discussed it with
17 the assistant campus director and campus director
18 again. You know, at this point, it was like, let's
19 halt the move, see what's going on, and you know,
20 we --

21 Q. What was the reason why you didn't go with
22 either of those alternatives?

23 A. I don't have them in front of me, so I can't --
24 I really can't.



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1 MS. BREWINGTON: Next exhibit, if you can
2 mark this.

3 MR.. McMACKIN: I am going to enter the
4 same objection that we had during the Paul Morris
5 deposition this morning as to this document.

6 MS. BREWINGTON: As to this four-page
7 document?

8 (Zawislak Deposition Exhibit 6 was marked
9 for identification.)

10 BY MS. BREWINGTON:

11 Q. Is this the document that you reviewed with Ann
12 Del Negro as well as the --

13 A. Yes.

14 Q. Now, you said that you had an opportunity to
15 review this document, correct?

16 Correct?

17 A. Yes.

18 Q. And that you reviewed this document after your
19 meeting with Ken Cole, correct?

20 A. Right.

21 Q. And that within this document shows alternative
22 1 and 2?

23 A. Yes. Alternatives -- alternatives were
24 presented.



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1 Q. My question to you was, why did you not go with
2 either one of those alternatives, and your response
3 was, I didn't have the documents in front of me. Is
4 that correct?

5 A. There are alternatives that meet the needs of
6 grouping the programs in a more contiguous space, that
7 utilized space in a way where a program was downsized,
8 had a -- you know, three people in the one office, one
9 person in the other office, and that function and
10 process had been working fine in that configuration.

11 Q. Let me see if I can understand that. If you
12 flip forward one, you have the proposed move. Okay?
13 Not that first?

14 A. Where?

15 Q. It's not the first page of the document. It's
16 the second page. At the top it says, "proposed move."
17 You don't have that? Doesn't it say, "proposed move"?

18 A. Yeah.

19 Q. Okay. That's the document.

20 A. Okay. I just want to make sure we're looking
21 at the right thing. Okay. Okay.

22 Q. Doctor, does this accurately depict the
23 proposed move that eventually became the actual move?

24 A. No.



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1 Q. Why not?

2 A. The cons answer --

3 Q. Okay?

4 A. -- were opinionated answers as well as the pro
5 answers, so...

6 Q. How about the diagram, does the diagram
7 accurately depict the proposed move and the actual
8 move?

9 A. No.

10 Q. Okay. Why not?

11 A. I don't see any measurements. I don't see how
12 things are distributed. I don't see -- no.

13 Q. So aside from the measurements, if we look
14 specifically at the color coding, would that
15 accurately depict where individuals would be during
16 the proposed move and the actual move, specifically
17 with respect to the colors?

18 A. The color locations of --

19 Q. Mm-hmm.

20 A. Yes. The one group would be there. Another
21 group would be here. Yes.

22 Q. Okay.

23 A. Yes. And this was not a computer room?

24 Q. Okay. That's fine.



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1 A. These were not administrative offices. The
2 representation of the space is incorrect. The
3 relationship of the space is incorrect.

4 Q. Okay.

5 A. There's no measurements, and -- yeah.

6 Q. But as far as the colors, is that correct that
7 Upward Bound Math and Science is located --

8 A. Would be placed together.

9 Q. -- in the yellow at the top left, is that
10 correct?

11 A. In a hallway like there.

12 So, again, the representation --

13 Q. Okay. But --

14 A. The folks in Upward Bound Math and Science
15 would be in one area. The depiction of this does not
16 show the distance.

17 Q. Okay. I understand. Measurements and
18 distance, no. I'm focussing on the colors?

19 MR. McMACKIN: If I can, just to clarify,
20 I think what Lori -- please correct me if I'm wrong.
21 I think what she's asking is, are the colors
22 representative of where people would be after the
23 proposed movement? Is that your question?

24 MS. BREWINGTON: Yes.



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1 A. Just make sure all people were there at that
2 time frame. They seem to.

3 Q. And one of the reasons why -- let me ask that
4 question.

5 It was a benefit of the proposed move that
6 all the members of Upward Bound Math and Science would
7 be together?

8 A. The benefit is, yes, that they will work in the
9 same space that had been allocated to a previous
10 program that had that same number, and they will all
11 be able to work together. The secretary, the program
12 manager, working together along with the student
13 enrichment coordinators.

14 Q. If we turn to alternative 1, wouldn't this
15 alternative allow for all of the Upward Bound Math and
16 Science to be together?

17 A. No.

18 Q. Why not?

19 A. The color blue is in between the yellow colors.

20 Q. But let's turn back to the proposed. Is the
21 color blue not in between all the other different
22 colors on the proposal?

23 A. It is in the middle.

24 Q. It is in the middle. It is, isn't it?



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1 Now, PM over here in the blue with this
2 row of rectangles represents Kate Sullivan, does it
3 not?

4 A. Yes, it does.

5 Q. And Kate Sullivan was not with the rest of her
6 Upward Bound Math and Science group, was she not?

7 MR. McMACKIN: Objection. Kate Sullivan
8 was UBC according --

9 Q. Was not with the rest of Upward Bound Classic?

10 A. Correct.

11 Q. And if we turn to --

12 A. I thought there was another position -- oh,
13 well --

14 Q. If we turn to alternative 2, wouldn't this
15 alternative allow for all the members of Upward Bound
16 Math and Science to be in the same location except for
17 their program manager?

18 A. The distance on this is --

19 Q. I'm asking you to answer the question.

20 MR. McMACKIN: Will you repeat the
21 question, please.

22 Q. Wouldn't this diagram allow for everyone in
23 Upward Bound Math and Science to be together except
24 for the program manager?



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1 MR. McMACKIN: Objection. Argumentative.

2 A. This would not reflect the use of space as it
3 previously had been with four folks, that one person
4 would be in a private office, two people would be
5 together, and the program manager would be over here.

6 Q. So your answer is, no? I don't understand.

7 MR. McMACKIN: Let me know if I'm
8 misstating your question. I think she wants to, in
9 alternative 2, would the program manager be with the
10 other members of UBMS? Is that your question?

11 MS. BREWINGTON: That's part of it.

12 A. She would be not be with them.

13 Q. She would not be with them, but the other
14 members of the Upward Bound Math and Science would be
15 together, is that correct?

16 A. Yes. That is correct.

17 Q. Actually, in the proposed move, if we go back
18 to that, the program manager of Upward Bound
19 Classic -- you're on the second page.

20 Second page. Proposed move at the top.

21 The program manager of Upward Bound
22 Classic, Kate Sullivan, is not with the rest of her
23 Upward Bound Classic team, is that correct?

24 A. That is correct. There is no established space



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1 in that area, blue area for a person to be in that
2 area.

3 (Pages 70, et seq., are under seal without
4 the seal request ending.)
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1 BY MS. BREWINGTON:

2 Q. So my question is, why wasn't alternative 2
3 used or why didn't the proposed move encompass the
4 design of alternative 2?

5 A. Confidentially speaking?

6 MS. BREWINGTON: You want to ---

7 MR. McMACKIN: Yeah. I think she's got
8 it.

9 A. The program manager for Upward Bound Math and
10 Science was needing to work very closely with the
11 program secretary in order to handle performance
12 issues that were occurring.

13 The space difference is so different.

14 MR. McMACKIN: Can we go off the record?

15 (Discussion off the record.)

16 (Recess taken.)

17 BY MS. BREWINGTON:

18 Q. I think before we took a break, the last
19 statement that you made was that the program manager
20 of Upward Bound Math and Science needed to work
21 closely with the secretary?

22 A. Yes.

23 Q. Is that true?

24 A. Mm-hmm. Yes.



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1 Q. And the program manager of Upward Bound Math
2 and Science was REDACTED , correct?

3 A. Yes.

4 Q. And the secretary was Liz Wilson, correct?

5 A. Yes.

6 (Pages 72, et seq., are under seal without
7 the seal request ending.)
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1 BY MS. BREWINGTON:

2 Q. And why did the secretary have to work closely
3 with REDACTED ?

4 MR. McMACKIN: Confidential, please.

5 A. Yes. Confidential.

6 REDACTED in her, you know, documented forms
7 had been experiencing a lot of problems with budgeting
8 and record keeping related to the budget. We did
9 do -- she was on a corrective action plan in the year
10 2000. And in 2001, her performance review indicated
11 that she was in need of assistance, actually before
12 that time. I mean, she didn't even have a full-time
13 secretary. So, with the full-time secretary, that was
14 one of the things that we had hoped would assist her
15 in developing working together, you know.

16 Q. So is it fair to say that the problems with
17 REDACTED performance began as early as 2000?

18 A. Yes, it is.

19 Q. And my earlier question was, why didn't you
20 consider alternative 2 as a reasonable reason for the
21 move?

22 A. Is this alternative 2?

23 Q. No. Wait. Yes.

24 And your response was, so we can clarify



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1 alternative 2?

2 A. Alternative 2 -- okay. This one.

3 Q. And your response was because you to wanted to
4 keep --

5 A. Four people. Four people. You know, this
6 group. Four people in the area where four people
7 were. Whether you call it one and three or four
8 people.

9 Q. But your response, was it not, as I understood
10 it, was because you wanted to keep the program
11 manager, REDACTED , with her secretary?

12 A. And the whole program together, yes.

13 The other point that I do want to mention
14 is that Upward Bound Classic in the rows here, they
15 had a position that was supplemental, that may or may
16 not continue for the length of the grant.

17 Q. Did you discuss the case with anyone while you
18 were on break?

19 A. No. No. We were talking about food and
20 parking places.

21 The dynamic nature of funding is, if you
22 know something is going to be in a place for three or
23 four or five years, and you could find a place for
24 three or four years for something to operate in that



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1 space, that would be an effective, efficient use of
2 time. Our programs are so dynamic. We have some
3 programs that may be funded for one academic year.
4 You know, it's -- there are different types of
5 programs. They do different functions. And we need
6 space to put the workers?

7 Q. If you can look at alternative 1 for me, you
8 indicated that you couldn't do alternative 2 because
9 the program manager was needed to work closely with
10 the secretary Liz Wilson, correct?

11 A. That is correct.

12 Q. Now, alternative 1, does this diagram indicate
13 that REDACTED will be allowed to work closely
14 with her secretary Liz Wilson?

15 A. They would be in offices that would be next to
16 each other.

17 Q. So why did you decide not to go with
18 alternative 1?

19 MR. McMACKIN: Asked and answered.
20 Objection. You can answer if you can answer.

21 A. It replaced four people who were in one program
22 to go in another -- there was another alternative.
23 The other alternative would put people of like
24 programs all together rather than in the purple



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1 alternative, you put purple and green. You would have
2 four yellow blocks in the same block where there were
3 four yellow blocks. And that was -- that was the
4 rationale.

5 Q. So the rationale was to put four people where
6 four people had been, is that somewhat you're saying?

7 A. That program we knew would be funded and the
8 programs that were downsized did not have four people
9 any more in that room. And rooms that are separate,
10 if one -- if you are upsized, if you are downsized,
11 you know, you are going in and out of one room to the
12 next to the next.

13 Q. What program was here, here meaning top left
14 corner of the diagram, room 408? What program was in
15 here prior to the Upward Bound Math and Science being
16 in there?

17 A. To the Max.

18 Q. And who were the individuals in the To the Max
19 program?

20 A. Peter Lonie was the program manager. Carolyn
21 Cave, Crystal Heath, and Cathy Hagan.

22 Q. And Cathy Hagan?

23 A. Mm-hmm.

24 Q. Okay. Now, Peter Lonie was in the rectangular



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1 box to the bottom of the entire huge box, in 408, is
2 that correct?

3 A. Yes.

4 Q. Were there three individuals in the rectangle
5 above Peter Lonie's?

6 A. Yes.

7 Q. And those three individuals were Carolyn Cave,
8 Crystal Heath, and Cathy Hagan, is that correct?

9 A. Yes, it is.

10 Q. Now, REDACTED -- REDACTED was where Peter
11 Lonie was, is that correct?

12 A. Peter Lonie, yes.

13 Q. And Brigitte Brown, Ken Cole, and Liz Wilson
14 were in the rectangle above, is that correct?

15 A. Yes, it is.

16 Q. Now, with the To the Max program, Cathy Hagan
17 was only there part time, is that correct?

18 A. No. She was a full-time employee.

19 Q. And Carolyn Cave had left that area, isn't that
20 correct?

21 A. When the program was downsized. So they were
22 no longer in that space on June 30th when the program
23 was downsized.

24 Q. Okay.



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1 A. So in that small room, or the lower rectangle,
2 the small room, you know, where Peter is, it would
3 have been Peter, and in the whole big room there would
4 have been one person.

5 Q. Okay. And did Cathy Hagan have another office
6 in the building?

7 A. She had worked from different locations
8 depending on functions that were needed.

9 Q. So she wasn't always working from this
10 location, this meaning room 408, top left?

11 A. I can't respond to that.

12 Q. Why not?

13 A. Because I don't know.

14 Q. So you can't say for sure that four people were
15 working in that area all the time, correct?

16 A. All the time meaning were four people assigned
17 to that space, yes. Were there duties that were --
18 that they would be in the office for every single hour
19 of those days, the answer is no. In neither case
20 would people be in duties in either of those offices
21 every day of the week because of the functions of
22 their responsibilities.

23 Q. Do you know whether Peter Lonie had an office
24 somewhere else in the building?



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1 A. No, he did not.

2 Q. Is it fair to say that Carolyn Cave did not
3 have another office in the building?

4 A. In the building?

5 Q. Yes.

6 A. Yes, she did not have another office in the
7 building.

8 Q. And Crystal Heath, did she have another office
9 in the building?

10 A. No, she did not have another office in the
11 building.

12 Q. And now Cathy Hagan, you don't know whether she
13 had another office in the building, is that correct?

14 A. She may have worked from different work
15 stations as we were going through transitions.

16 Q. So she may not have been there working with
17 Peter Lonie, Carolyn Cave, and Crystal Heath during
18 their work hours?

19 A. She was assigned to that program. It would
20 be -- well, you know, I mean, she was -- she was
21 assigned to that program.

22 Q. Meaning?

23 A. That she performed the functions of the
24 program, secretary for that program. And if we need



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1 somebody to help with this or that.

2 Q. Did Ann Del Negro have Cathy Hagan on the third
3 floor to support her?

4 A. On the third floor?

5 MR. McMACKIN: Objection. Vague.

6 A. Third floor? No.

7 Q. I'm sorry. On the fourth floor.

8 MR. McMACKIN: Same objection.

9 Q. Did you answer the question?

10 A. What time frame?

11 Q. At any time frame?

12 A. Prior to the move of To the Max into that area,
13 Cathy Hagan and Ann were in that area. Ann was in
14 another position at the time.

15 Q. So to answer my question, Ann Del Negro did
16 work with Cathy at a different location than this, is
17 that correct?

18 MR. McMACKIN: Can you repeat that
19 question?

20 Q. I'm sorry. Ann Del Negro and Cathy Hagan --
21 well, let's strike that.

22 Cathy Hagan not only worked in this area
23 right here, this 408, she also worked with Ann
24 Del Negro on the fourth floor, isn't that correct?



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1 A. No.

2 Q. Did Cathy Hagan work with Ann Del Negro?

3 A. What time frame are you referring to?

4 Q. Did she ever work with Ann Del Negro?

5 A. Yes, she did.

6 Q. At what time?

7 A. From September of 2000 to February of 2001.

8 Q. So between September of 2000 and February of
9 2001, did Cathy Hagan occupy this office here, room
10 408, as well as use another office?

11 A. No.

12 Q. Did Cathy Hagan work not only in this office
13 but in another office?

14 A. No.

15 Q. Did Cathy Hagan work with Ann Del Negro in a
16 different area of the building?

17 MR. McMACKIN: Objection. Asked and
18 answered.

19 A. The -- talking about time frame, you know.

20 Q. Between September 2001 and February 2001?

21 A. No. That's where they worked. Ann --

22 Q. That's where Cathy Hagan worked here, in
23 room 408?

24 A. Yes.



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1 Q. Okay. So your testimony is that --

2 MR. McMACKIN: I'm going to object to this
3 as vague. You just said from September 2001 to
4 February 2001 Cathy Hagan worked here. The question
5 doesn't make sense. It's backwards.

6 Can you read back the last couple of
7 questions?

8 MS. BREWINGTON: Oh, I said 2001 twice.

9 MR. McMACKIN: Why don't you start that
10 line over again.

11 THE WITNESS: Yeah.

12 MR. McMACKIN: Let her reask the question.

13 MS. BREWINGTON: Let me start all over.

14 BY MS. BREWINGTON:

15 Q. From September 2001 to February of 2001, Cathy
16 Hagan --

17 MR. McMACKIN: That's the same objection.
18 You can't from work September to February.

19 MS. BREWINGTON: September 2000. I'm
20 looking right at it and saying the wrong thing.

21 Q. From September 2000 to February 2001, did Cathy
22 Hagan work with Ann Del Negro?

23 A. Yes, she did.

24 Q. In what capacity?



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1 A. She was her administrative assistant, and Ann
2 was the director of youth -- or department chair of
3 youth programs.

4 Q. And where was Ann's office when she was
5 director of whatever you just said from September 2000
6 to February 2001?

7 A. For that period of time, she was located in the
8 area where three people are located.

9 Q. She was located --

10 A. And To the Max replaced that when we allocated
11 space, when you look at the plan, to be in the best
12 efficient use and --

13 Q. Okay. So Ann Del Negro was in the office where
14 three people are located in room 408, correct?

15 A. Yes, she was.

16 Q. Where was Cathy Hagan located?

17 A. During that time frame, Cathy Hagan was located
18 in that office labelled PM on the purple diagram.

19 Q. Okay. PM on the purple diagram alternatively.

20 Now, when did Cathy Hagan move to the
21 upper rectangle?

22 A. When Peter and Carolyn and Crystal were -- it
23 may have been their predecessors.

24 Q. Yes.



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1 A. When those individuals moved up into this room.

2 Q. That was To the Max program, is that correct?

3 A. Yes. It was To the Max program.

4 Q. And so that I'm clear, Cathy Hagan occupied
5 that office, and that was her only office, is that
6 correct?

7 A. During that time, yes.

8 Q. Let me strike that. Okay. I was going to say
9 that was her only work space?

10 MR. McMACKIN: Objection to the form.

11 A. I would say -- could you repeat the question as
12 it relates to the time frame?

13 Q. September 2000 to February 2001 she started as
14 administrative assistant for Ann Del Negro, correct?

15 A. Correct.

16 Q. After February 2001, To the Max program
17 occupied that space above the PM position?

18 A. And the PM position too.

19 Q. And the PM position, correct?

20 A. Mm-hmm. Correct.

21 Q. My question to you is, was this Cathy Hagan's
22 only office space during the time that she occupied
23 this space?

24 A. Yes.



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1 Q. Okay. Do you know whether Paul Morris ever saw
2 the alternatives 1 and 2?

3 A. I can't recall.

4 Q. Okay. So do you know whether Ann discussed
5 these alternatives with Paul Morris?

6 A. I can't recall.

7 Q. And you never discussed these alternatives with
8 Paul Morris, did you?

9 A. Not that I recall.

10 MS. BREWINGTON: Next exhibit.

11 (Zawislak Deposition Exhibit 7 was marked
12 for identification.)

13 MR. McMACKIN: Let me submit for the
14 record that this document is complete, but it doesn't
15 look like it's the entire document. There are pages
16 missing.

17 BY MS. BREWINGTON:

18 Q. Are you familiar with this document?

19 A. The pages of this document, yeah.

20 Q. What is it?

21 A. It's an Upward Bound Math and Science Center
22 proposal.

23 Q. Is this in reference to the grant?

24 A. Yes.



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1 Q. And it was submitted on November 22nd, 2002, is
2 that correct?

3 A. Yes.

4 Q. Are you aware that the grant provides that the
5 suite -- it indicates a suite of offices provides
6 privacy for confidential conversation with center
7 participants. Do you see where it says that on
8 page 92?

9 A. This page 92?

10 Q. No. I'm speaking of this page 92, that one
11 right there?

12 A. This one right here?

13 MR. McMACKIN: It looks like there's a
14 copying error because. It is D1 at the top on page 92
15 and the previous page is D1 as well, and they are
16 different pages.

17 THE WITNESS: It's a different grant.

18 BY MS. BREWINGTON:

19 Q. It's a different grant? The two pages are
20 different?

21 A. Yes.

22 Q. I don't have the same thing as her. I have
23 this next.

24 MR. McMACKIN: Do you guys have a Bates



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1 stamped version of this?

2 MS. BREWINGTON: This is off the record.

3 (Discussion off the record.)

4 (Pause.)

5 (Zawislak Deposition Exhibit 7 was
6 remarked for identification with a substitute
7 document.)

8 BY MS. BREWINGTON:

9 Q. I'm looking at the third page of this document.
10 It doesn't have a page number on it actually.

11 MR. McMACKIN: Let the record reflect that
12 we are looking at the document that is marked as
13 exhibit 7.

14 Q. Would you review this page for me briefly?

15 Are you aware that the grant for the
16 Upward Bound Math and Science program indicates that
17 the east wing provides privacy areas for confidential
18 conversation with center participants?

19 A. Yes.

20 Q. I'm now turning to page 92 of the document.
21 It's actually skipping one page, the diagram, and then
22 the next page.

23 Are you also aware that the Upward Bound
24 Math and Science grant indicates that the suite of



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1 offices provides privacy for confidential conversation
2 with center participants?

3 A. That page doesn't go with this grant.

4 Q. What grant does that go with?

5 A. A previous grant.

6 Q. Is it a grant dealing with Upward Bound Math
7 and Science program?

8 A. Yes, it is.

9 Q. Do you know what year this is applicable in,
10 meaning the suite of offices provides privacy for
11 confidential conversation with center participants?

12 A. No.

13 Q. Do you know whether it's after the November
14 22nd, 2002, grant or before?

15 A. Before.

16 Q. So in both the November 22nd, 2002, grant and
17 an additional grant, it indicates that the suite of
18 offices provides privacy for confidential
19 conversation?

20 A. It does not say the same thing.

21 Q. What is the difference between them?

22 MR. McMACKIN: Objection. The document
23 speaks for itself.

24 A. Yes.



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1 MR. McMACKIN: You can answer, though, to
2 the extent you can answer.

3 A. That it says, "The college provides office
4 space for the secretary and coordinator. That
5 includes file cabinets and office equipment. The
6 project director has a separate office that includes
7 file cabinets, storage areas, and office equipment.
8 The east wing provides privacy areas for confidential
9 conversations."

10 Q. Is that the existing grant that you're reading
11 from?

12 A. Yes, it is.

13 Q. So the existing grant provides privacy on the
14 east wing, is that correct?

15 A. Yes. Yes, it does.

16 Q. Where on the east wing is there offices that
17 provide for privacy for students in the Upward Bound
18 Math and Science program?

19 MR. McMACKIN: I'm going to object. It
20 doesn't say offices provide privacy on the east wing.

21 It says the east wing provides privacy.

22 MS. BREWINGTON: We're looking at the
23 existing grant which is page 92, and it indicates,
24 "The suite of offices provides privacy for



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1 confidential conversation with center participants."

2 THE WITNESS: Which one are you looking
3 at?

4 Q. 92, page 92 at the bottom. The existing grant.
5 And it says -- do you see that?

6 A. This isn't the existing grant.

7 Q. Is this the grant from 2002, effective 2002?

8 A. This is a previous grant. I don't have that
9 information.

10 Q. Is there a place that provides confidential or
11 private communication for the Upward Bound Math and
12 Science program after this move?

13 A. Yes.

14 MR. McMACKIN: Objection. Vague.

15 Q. Yes. Where?

16 A. Several locations.

17 Q. Tell me about them.

18 A. There is the conference center right next to
19 our conference room right next door. There is a
20 tutoring room. There is the program manager's office.
21 The east wing is very large, has other types of
22 areas --

23 Q. What types of areas?

24 A. -- that can be used. Small conference, small



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1 conferencing room as opposed to -- you know, small
2 conference rooms, individual offices.

3 Q. Now, the conference center, where is that
4 located?

5 A. Right next to 408.

6 Q. Is it on the diagram that we looked at earlier?

7 A. No.

8 Q. No? So there was a conference room --

9 A. Adjoining.

10 Q. -- adjoining. Is the conference room opened?

11 MR. McMACKIN: Objection. Vague.

12 Q. Let me rephrase then. Is it fair to say that
13 the Upward Bound Math and Science program can't use
14 that conference room because it's locked?

15 A. I can't answer that.

16 Q. Why not?

17 A. I don't know if it's locked. And there's
18 nothing that says that they couldn't use it.

19 Q. Did you give them permission to use that room?

20 A. Did I give them permission?

21 Q. Did anyone give them permission to use that
22 room?

23 A. That room has been used, yes.

24 Q. By Upward Bound Math and Science?



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1 A. By all of our programs at the college.

2 Q. Is it true that you must schedule ahead of time
3 to use that room?

4 A. Ahead of time -- if that room is occupied, yes,
5 a schedule is preferred. You can use the room if it
6 is not in use at the time you would want to use it.

7 Q. Do you have to schedule time to use the room?

8 A. You can schedule time to use the room.

9 Q. Do you have to schedule time to use the room?

10 MR. McMACKIN: Objection. Asked and
11 answered.

12 BY MS. BREWINGTON:

13 Q. She's saying you can. I want to know if you
14 have to.

15 A. I don't know.

16 Q. Okay. That's fine. If you don't know, that's
17 fine.

18 Who holds the key? Do you know who holds
19 the key?

20 A. No, I don't.

21 Q. Do you know if Upward Bound Math and Science
22 has a key to that conference room?

23 A. I do not know.

24 Q. With the Upward Bound Math and Science program



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1 is it correct that it's a residential program?

2 A. There's a summer residential component to the
3 program.

4 Q. Do any of the other TRIO programs have a
5 residential component?

6 A. No, they do not.

7 Q. Is it fair to say that because the Upward Bound
8 Math and Science is a residential program that they
9 may have different issues or additional issues because
10 they are a residential program?

11 A. Yes.

12 Q. Okay. Now, Upward Bound Math and Science is a
13 residential program. Is it fair to say that issues
14 may arise where the program managers may need to speak
15 with students and not have a schedule, not know ahead
16 of time?

17 MR. McMACKIN: Objection. Calls for
18 speculation.

19 Q. After hours?

20 A. After hours?

21 Q. Not necessarily after hours but at any -- let
22 me correct that.

23 The Upward Bound Math and Science program
24 is a residential program, and you agreed with me, did



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1 you not, that there may be additional or different
2 issues?

3 A. It was a summer residential program.

4 Q. With the fact that it's a summer residential
5 program, is it fair to say that the student enrichment
6 coordinators may not always know when students are
7 coming in to meet with them so they can't preschedule
8 this time?

9 A. The students of the Upward Bound summer
10 residential program are here or are on the campus less
11 than 30 days, six weeks, five days a week. They are
12 living off campus at Goldey-Beacom College. They are
13 attending sessions or classes all day while they are
14 here at the campus in different classrooms. During
15 the summer, the conference room would very rarely be
16 used since full-time faculty or people who would be
17 here most times would not be here.

18 Q. You also mentioned the tutoring program, did
19 you not?

20 A. Yes, I did.

21 Q. Is the tutoring room also a computer room?

22 A. I believe the tutoring room has computers in
23 it.

24 Q. Can anyone use those computers that work at Del



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1 Tech or students or the employees -- who uses those
2 computers?

3 A. The individuals that the student enrichment
4 coordinators and program managers --

5 Q. Individuals, student program manager --

6 A. No. No. They are the individual students that
7 the program manager and student enrichment people say,
8 sign in, you know, you...

9 Q. So the tutoring room --

10 A. For all the youth programs.

11 Q. For all the youth programs, this is the
12 computer room that they use, correct?

13 A. No. This is the tutoring room that has
14 computers in it. There are computer rooms at the
15 college.

16 Q. But students in the programs use this tutoring
17 room, use the computers in this tutoring room, do they
18 not?

19 A. I hope so, yes.

20 Q. Tell me how this allows for privacy if the
21 computers are used by other students during the day?

22 A. The timing of your question confuses me.

23 Q. How so?

24 A. Are you talking about the summer residential



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